

County of San Diego, Health and Human Services Agency (HHSA)

CalWORKs Program Guide

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Background

Certain individuals in the home are ineligible to CalWORKs if they are excluded by law, sanctioned, or have exhausted their CalWORKs time limit. These individuals are not included in the assistance unit (AU).

Policy

41-500.E.1 Individuals Excluded by Law

The following individuals are excluded by Law:

- A child living with his/her minor parent who is receiving Foster Care or Kin-GAP.
- A person not meeting the citizenship/alien status requirements.
- The father of an unborn child who is living in the home with the pregnant woman and who is:
 - Not the parent or caretaker relative of an eligible child
 - Not an essential person
- A person receiving Supplemental Security Income/State Supplemental Payment (SSI/SSP), Refugee Repatriate Payment (RRP), Foster Care or Kin-GAP.
- A sponsored alien whose needs are met by a sponsoring agency or by a sponsor's deemed income.
- The spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common, for whom deprivation exists.
- A refugee eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7).
- A person fleeing to avoid felony prosecution, custody or confinement after conviction for a crime or attempt to commit a crime that is a felony. The existence of a warrant for arrest will be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the individual had no knowledge that he/she is being sought by law enforcement.
- A person in violation of a condition of probation or parole. Violating a condition of probation or parole means a warrant for a crime, that violates a condition of probation or parole, has been issued, or an order has been issued revoking probation or parole. The initial offense for which probation or parole was ordered does not need to have been a felony.
- A non-minor dependent. Non-minor dependents constitute an AU of one and are excluded from the AU of a needy or non-needy caretaker relative for CalWORKs purposes

Note: A person convicted in state or federal court, after December 31, 1997, of a drug related felony, is ineligible for CalWORKs from the date of conviction up to March 31, 2015. Effective April 1, 2015, the prohibition from receipt of CalWORKs for individuals has been repealed.

ACL No. 14-100, [ACL 15-92](#), [ACIN I-02-16](#)

41-500.E.2 Excluded Sanctioned Persons

A sanction results when an individual is taken out of the AU for failure to comply with program requirements.

A person excluded from the AU due to a sanction is:

- A parent, pregnant woman, or caretaker relative who refuses to assign support rights, or fails to cooperate with the Child/Spousal Support requirements
- A person who fails to cooperate in the verification of his/her citizenship or alien status

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- A mandatory work registrant who fails or refuses without good cause to meet Welfare-to-Work (WTW) program requirements
When the participant is a principal earner, the second parent is also ineligible unless he/she is participating in, or is exempt from, WTW activities

Effective March 1, 2015, CalWORKs cases that include parents/caretakers who have been WTW sanctioned for 12 consecutive months or longer, will be funded in the solely state funded (K1/3F aid codes) program.
ACL No. 15-18, CFL No. 14/15-60, CFL No. 14/15-61

Note: WTW sanctioned individuals will resume sanctioned status whenever there has been a break in aid. Intake staff must review the case to identify any adults in the potential AU who are currently serving a WTW sanction. The sanction status will remain for the non-compliant individuals on the automated system at intake, when the cash assistance case is granted for other eligible members of the AU. Sanction status will remain until the individual has cured his/her sanction by performing the activity(s) that resulted in the sanction (CPG 10-025.D).
- An applicant/recipient; or a child whose parent, caretaker relative, or legal guardian:
 - Refuses or fails to furnish a Social Security Number (SSN) or evidence of a completed application for a SSN
 - Refuses or fails to cooperate in verifying a SSN
- A striker who is not a caretaker relative

41-500.E.3 Excluded CalWORKs Timed-Out Adults

A CalWORKs timed-out adult is an adult who has been removed from the AU due to exceeding the 48-month CalWORKs time limit.

Procedure:

None.

Impacts:

None.

References:

EAS 82-832.1

ACL 14-100

ACL 15-18

ACL 15-92

ACIN I-02-16

CFL 14-15-60

CFL 14-15-61

Processing Guide 10-300.C.1

Approval for Release:

March 22, 2016

Sunset Date:

This policy will be reviewed for continuance by March 31, 2019.